III. REMARKS

In the Office Action, claims 26-50 and 58-59 were rejected under 35 U.S.C. 102 as being anticipated by Enoki (US 5,835,853), and claims 56-57 were rejected under 35 U.S.C. 103 as being unpatentable over Enoki, and claims 51-55 were rejected under 35 U.S.C. 103 as being unpatentable over Enoki in view of Young (US 6,324,405) for reasons set forth in the Action.

The following argument is presented to overcome the foregoing rejections and to show the presence of allowable subject matter in the claims.

With respect to the rejections of claims 26, 40 and 58, Enoki et al discloses a dual mode receiver (Fig. 8) operable to receive signals via a first path (Fig. 8, blocks 13, 15 and 61) and a second path (blocks 14, 16, 62). Enoki teaches with reference to Figure 1 and column 4 at lines 46-54; "a first band pass filter 13 having a first center frequency corresponding the first radio wave component, ... ,a second band pass filter 14 having a second center frequency corresponding the second radio wave component.."

Enoki et al does not specifically disclose what the center frequencies of the first and second radio wave components are, but in the background of invention, column 1 at lines 8-16, Enoki et al suggests that the purpose of the invention is to mitigate the disadvantages of utilizing two whole receiver circuits to receive signals at 800 MHz and 1.5 GHz respectively. Enoki states:

"A first prior art portable receiver receives a radio wave of 800 MHz band and a second prior art portable receiver receives a radio wave of 1.5 GHz band... Therefore two receivers are necessary."

It is therefore argued that the first and second radio wave components are centered at 800 MHz and 1.5 GHz respectively; the first and second radio wave components having similar purpose to the first and second mode outlined in present claim 26, which states:

"A dual-mode receiver operable to receive signals in a first mode having an associated first channel spacing, and to receive signals in a second mode having an associated second channel spacing smaller than the first channel spacing, comprising:..."

Enoki et al makes no reference within the specification of the channel spacing of the received signals via the first path or the second path. As there is no reference to the first or second channel spacing, Enoki cannot teach that the second channel spacing is smaller than the first channel spacing. Enoki et al therefore fails to disclose the novel feature within present independent claims 26 and 40 of: "A dual-mode receiver operable to receive signals in a first mode having an associated first channel spacing, and to receive signals in a second mode having an associated second channel spacing smaller than the first channel spacing, comprising.."

The Examiner has also rejected dependent claims 27-39, 41-50 and 58-59. It is believed that these claims are also novel in view of the arguments presented for independent claims 26 and 40.

Furthermore it would not be obvious to apply the teaching of Enoki et al to arrive at the teaching of the present specification.

In the matter of channel spacing, the Examiner (Point 16 of the Action) refers to the 800 MHz portion of the spectrum, wherein one form of communication takes place, as being a channel spacing. The statement makes sense only if one regards the carrier frequency of 800 MHz as being spaced apart from baseband at a carrier frequency of zero MHz. However, Enoki shows communication via an antenna, and there is no radiation of signals at zero carrier frequency. Therefore, it is urged that the examiner is taking the term "channel spacing" out of context in attempting to state that Enoki is teaching communication by a plurality of channels as the term is used in cellular telephony. Since the first center frequency corresponding to the first radio wave component is 800 MHz, Enoki et al does not disclose the channel spacing of the first or second radio wave component within the specification.

Furthermore, it is noted that the Examiner (Points 2 and 3 of the Action) states that Enoki discloses a transmitter. This is believed to be an error because none of the labeled blocks in his figures, and described in the text, are identified as being a transmitter. In fact, the reference is entitled as a Two Band Receiver. Also, it should be noted that Enoki's descriptive term of "Band" for the each of the transmissions at the carrier frequencies of 0.8 and 1.5 GHz (Col. 1 at line 8-15) negates the above noted usage of "channel spacing" by the Examiner".

As there is no teaching or reference to the channel spacing it is submitted that there is no anticipation of an important feature

of the present invention to support a rejection under 35 U.S.C. 102, and no motivation to utilize the teaching of Enoki et al in order to realize the teaching of the present specification to support a rejection under 35 U.S.C. 103.

Also, with respect to some of the rejections under 35 U.S.C. 103, the Examine combines Enoki with Young. In Young, the Examiner cites a passage (Col. 4 at lines 46-52) which is simply a statement that one can build a conventional cellular handset by use of appropriate signal processing circuitry. This statement is not a disclosure of specific circuitry with a showing of how it might interconnect with circuitry of the present invention, nor be substituted for circuitry disclosed in the present figures. Therefore, the quoted passage may be of interesting historical interest but does not teach one how to build certain features of the present claims upon which the Examiner relies to reject the claims.

With respect to Claims 51-55 that are dependent upon claim 26, it is respectfully requested that these claims be considered patentable also in view of arguments presented for independent claims 26 and 40.

Furthermore, with respect to the above-described matter of the channel spacing, the Examiner clearly uses this assumption in order to argue that the present claims are not novel as he interprets 800 MHz and 1.5 GHz as being the channel spacing of the first and second radio wave component respectively; this is not the case; 800 MHz and 1.5 GHz refers to the center frequency of the first and second radio wave components.

It is appreciated by those skilled in the art use the term "800 MHz band" is to signify the use of a radio band which has a center frequency close to or at 800 MHz, and conveys no information of a channel spacing within the allocated frequency band.

It may also be argued that the teaching of Enoki is intended for receiving signals which may have different first and second radio wave components but the same channel spacing because:-

1) There is no reference to changing the LO osc 22 (of Figure 8) in response to the first intermediate signal 20a, 20b which may be necessary if the channel spacing were different;

2) Within the background of invention there is mention of overcoming the use of two receivers in order to receive signals at 800 MHz and 1.5 GHz respectively. It is appreciated by those skilled in the art, that these two frequencies correspond to the Japanese TDMA systems known as PDC800 and PDC1500. The center frequencies are different but the signal characteristics are the same e.g. they have the same channel spacing.

In view of the foregoing discussion of channel spacing, and in view of the recital of channel spacing in the independent claims 26 and 40, it is apparent that the channel spacing is an important consideration in the practice of the present invention. In order to emphasize this point, and to emphasize and clarify how the channel spacing relates to the practice of the present invention, two new claims 60 and 61, depending respectively from claims 26 and 40, are presented. The new claims are believed to contain allowable subject matter in view of the foregoing argument. Support for the subject matter of the new claims is

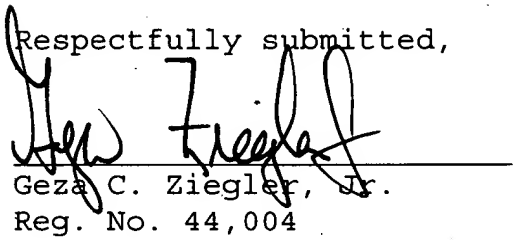
found in the present specification on page 23 at lines 21-30, on page 28 at lines 11-18, and on page 32 at the last five lines.

With respect to rejections based on the Young patent, it is noted that the chain of priority in the present application goes back to an application in Great Britain dated December 23, 1996. This antedates the US filing of Young on September 9, 1997. On this basis, the Young patent should not be used for rejection of the present claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of $320.00 is enclosed for a 1 month extension of time and additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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